



## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2021-0826; Project Identifier MCAI-2021-00300-R]**

**RIN 2120-AA64**

#### **Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Helicopters Deutschland GmbH Model EC135P2+, EC135P3, EC135T2+, and EC135T3 helicopters. This proposed AD was prompted by reports that certain aft and forward fitting assemblies, which are not approved for installation on certain helicopters, were installed on those helicopters as part of the outboard load system. Operators of those helicopters might not be aware of the applicable overhaul or life limits for those fitting assemblies. This proposed AD would require inspecting the aft and forward fitting assemblies of the outboard load system to determine the part number, re-identifying the part if necessary, inspecting each affected part for damage (which may be indicated by signs of corrosion, mechanical damage, loose rivets, or cracks) and, depending on the findings, corrective actions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this proposed AD by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- Federal eRulemaking Portal: Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.
- Fax: (202) 493-2251.

- Mail: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- Hand Delivery: Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For EASA material that is proposed for IBR in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); Internet [www.easa.europa.eu](http://www.easa.europa.eu). You may find this IBR material on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. The EASA material is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0826.

### **Examining the AD Docket**

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0826; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the EASA AD, any comments received, and other information. The street address for Docket Operations is listed above.

**FOR FURTHER INFORMATION CONTACT:** Darren Gassetto, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228-7323; email [Darren.Gassetto@faa.gov](mailto:Darren.Gassetto@faa.gov).

### **SUPPLEMENTARY INFORMATION:**

#### **Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under ADDRESSES. Include “Docket No. FAA-2021-0826; Project Identifier MCAI-2021-00300-R” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

### **Confidential Business Information**

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Darren Gassetto, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228-7323; email [Darren.Gassetto@faa.gov](mailto:Darren.Gassetto@faa.gov). Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

### **Background**

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021-0066, dated March 8, 2021 (EASA AD 2021-0066), to correct an unsafe condition for Airbus Helicopters Deutschland GmbH (formerly Eurocopter Deutschland GmbH and Eurocopter España S.A.) Model EC135 P2+, EC135 P3, EC135 T2+, EC135 T3, EC635 P2+, EC635 P3, EC635 T1, EC635 T2+, and EC635 T3 helicopters, serial numbers (S/Ns) 0866 to 1166 inclusive, except S/Ns 1007, 1102, and 1145, and except helicopters on which Airbus Helicopters Service Bulletin EC135-

85-063 has been embodied in service. Model EC635 P2+, EC635 P3, EC635 T1, EC635 T2+, and EC635 T3 helicopters are not certificated by the FAA and are not included on the U.S. type certificate data sheet, except where the U.S. type certificate data sheet explains that the Model EC635T2+ helicopter having serial number 0858 was converted from Model EC635T2+ to Model EC135T2+. This proposed AD, therefore, does not include Model EC635 P2+, EC635 P3, EC635 T1, EC635 T2+, and EC635 T3 helicopters in the applicability.

This proposed AD was prompted by reports that aft and forward fitting assemblies, having part number L851M2810103, were installed as part of the outboard load system on helicopters having S/Ns 0886 and up. The affected fitting assemblies are not approved for installation on helicopters having those serial numbers. Operators of those helicopters might not be aware of the applicable overhaul or life limits for those fitting assemblies. The FAA is proposing this AD to address failure of affected aft and forward fitting assemblies and consequent loss of external cargo, resulting in personal injury or injury to persons on the ground. See EASA AD 2021-0066 for additional background information.

#### **Related Service Information Under 1 CFR Part 51**

EASA AD 2021-0066 requires a one-time inspection of each aft and forward fitting assembly of the outboard load system to identify the part number, re-identifying the part number if necessary, a one-time inspection of an affected fitting assembly for damage, and corrective action. The corrective action includes replacing any damaged fitting.

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

#### **FAA's Determination**

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA is proposing this AD after evaluating all known relevant information and determining that

the unsafe condition described previously is likely to exist or develop on other helicopters of the same type design.

### **Proposed AD Requirements in this NPRM**

This proposed AD would require accomplishing the actions specified in EASA AD 2021-0066, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD.

### **Explanation of Required Compliance Information**

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2021-0066 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021-0066 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2021-0066 does not mean that operators need comply only with that section. For example, where the AD requirement refers to "all required actions and compliance times," compliance with this AD requirement is not limited to the section titled "Required Action(s) and Compliance Time(s)" in EASA AD 2021-0066. Service information required by EASA AD 2021-0066 for compliance will be available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0826 after the FAA final rule is published.

### **Costs of Compliance**

The FAA estimates that this AD, if adopted as proposed, would affect 69 helicopters of U.S. Registry. The FAA estimates the following costs to comply with this proposed AD.

### Estimated costs

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection to determine fitting assembly part number	0.50 work-hour X \$85 per hour = \$42.50	\$0	\$42.50	\$2,932.50

The FAA estimates the following costs to do any necessary actions that would be required based on the results of the proposed inspection. The agency has no way of determining the number of aircraft that might need these actions:

### On-condition costs

Action	Labor cost	Parts cost	Cost per product
Re-identification of affected fitting assembly with part number	0.25 work-hour X \$85 per hour = \$21.25	\$0	\$21.25
Detailed inspection of affected fitting assembly	1.75 work-hours X \$85 per hour = \$148.75	\$0	\$148.75
Replacement of damaged affected fitting assembly	1.50 work-hours X \$85 per hour = \$127.50	\$1,363	\$1,490.50

### Authority for this Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority

because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### **Regulatory Findings**

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### **The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

#### **PART 39 - AIRWORTHINESS DIRECTIVES**

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

#### **§ 39.13 [Amended]**

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

**Airbus Helicopters Deutschland GmbH:** Docket No. FAA-2021-0826; Project Identifier MCAI-2021-00300-R.

#### **(a) Comments Due Date**

The FAA must receive comments on this airworthiness directive (AD) by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Airbus Helicopters Deutschland GmbH Model EC135P2+, EC135P3, EC135T2+, and EC135T3 helicopters, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2021-0066, dated March 8, 2021 (EASA AD 2021-0066).

**(d) Subject**

Joint Aircraft Service Component (JASC) Code: 2550, Cargo Compartments.

**(e) Unsafe Condition**

This AD was prompted by reports that certain aft and forward fitting assemblies, which are not approved for installation on certain helicopters, were installed on those helicopters as part of the outboard load system. Operators of those helicopters might not be aware of the applicable overhaul or life limits for those fitting assemblies. The FAA is issuing this AD to address failure of affected aft and forward fitting assemblies and consequent loss of external cargo, resulting in personal injury or injury to persons on the ground.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Requirements**

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2021-0066.

**(h) Exceptions to EASA AD 2021-0066**

(1) Where EASA AD 2021-0066 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2021-0066 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (4) of, and the service information referenced in, EASA AD 2021-0066, specify contacting Airbus Helicopters Deutschland GmbH for applicable instructions if any damage (which may be indicated by signs of corrosion, mechanical



damage, loose rivets, or cracks) is found, the corrective action must be accomplished using a method approved by the Manager, General Aviation & Rotorcraft Section, International Validation Branch, FAA; or EASA; or Airbus Helicopters Deutschland GmbH EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(4) Where the service information referenced in EASA AD 2021-0066 specifies to discard certain parts, this AD requires removing the parts from service instead.

(5) This AD does not require the “Remarks” section of EASA AD 2021-0066.

**(i) No Reporting Requirement**

Although the service information referenced in EASA AD 2021-0066 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

**(j) Special Flight Permit**

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the helicopter can be inspected (if the operator elects to do so), provided the outboard load system is not used until the applicable corrective actions required by paragraph (4) of EASA AD 2021-0066 are completed.

**(k) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (l)(2) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

**(I) Related Information**

(1) For EASA AD 2021-0066, contact Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); Internet [www.easa.europa.eu](http://www.easa.europa.eu). You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. This material may be found in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0826.

(2) For more information about this AD, contact Darren Gassetto, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228-7323; email [Darren.Gassetto@faa.gov](mailto:Darren.Gassetto@faa.gov).

Issued on September 15, 2021.

Gaetano A. Sciortino, Deputy Director for Strategic Initiatives,  
Compliance & Airworthiness Division,  
Aircraft Certification Service.

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